

RIGHTS OF NEUTRALS AT SEA

Convention signed at Lima July 22, 1856

Senate advice and consent to ratification March 12, 1857

Ratified by Peru May 14, 1857

Ratified by the President of the United States October 22, 1857

Ratifications exchanged at Washington October 31, 1857

Entered into force October 31, 1857

Proclaimed by the President of the United States November 2, 1857

11 Stat. 695; Treaty Series 277 ¹

The United States of America, and the Republic of Peru, in order to render still more intimate their relations of Friendship and good understanding, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation, in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal Convention, the principles which the two Republics acknowledge, as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose, the President of the United States of America has conferred full powers on John Randolph Clay, their Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru: and the Liberator, President of the Republic of Peru has conferred like full powers on Don José Maria Seguin, Chief officer of the Ministry of Foreign Affairs, in charge of that Department: who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following Articles.

ARTICLE I

The two High Contracting Parties recognize as permanent and immutable the following principles.

1st That free ships make free goods: that is to say, that the effects or merchandize, belonging to a Power or Nation at war, or to its citizens or sub-

¹ For a detailed study of this convention, see 7 Miller 417.

jects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2^a That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war: it being also understood that, as far as regards the two Contracting Parties, war-like articles destined for the use of either of them shall not be considered as contraband of war.

The two High Contracting Parties engage to apply these principles to the commerce and navigation of all Powers and States, as shall consent to adopt them as permanent and immutable.

ARTICLE II

It is hereby agreed between the two High Contracting Parties, that the provisions contained in Article Twentysecond of the Treaty concluded between them, at Lima, on the twentysixth day of July, One thousand, eight hundred and fifty one,² are hereby annulled and revoked; in so far as they militate against or are contrary to the stipulations contained in this Convention. But nothing in the present Convention shall, in any manner, affect or invalidate the stipulations contained in the other Articles of the said Treaty of the twentysixth of July, One thousand, eight hundred and fiftyone, which shall remain in their full force and effect.

ARTICLE III

The two High Contracting Parties reserve to themselves to come to an ulterior understandings, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first Article. But they declare, from this time, that they will take the stipulations contained in the said Article, as a rule whenever it shall become a question to judge of the rights of neutrality.

ARTICLE IV

It is agreed between the two High Contracting Parties, that all Nations which shall consent to accede to the rules of the first Article of this Convention, by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such accession, as they shall be enjoyed and observed by the two Parties signing this Convention.

They shall communicate to each other the result of the steps which may be taken on the subject.

ARTICLE V

The present Convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the

² TS 276, *ante*, p. 1009.

Senate of said States, and by the President of the Republic of Peru, with the authorization of the Legislative Body of Peru, and the ratifications shall be exchanged, at Washington, within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the United States of America and the Republic of Peru, have signed and sealed these Presents.

Done at the City of Lima on the twenty second day of July, in the year of Our Lord, One thousand eight hundred and fifty six.

J. RANDOLPH CLAY [SEAL]

J. M. SEGUIN [SEAL]